

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

CHARLES W. SIRAGUSA, individually)
and on behalf of all other)
similarly situated)
)
v.) CAUSE NO. 2:09-cv-328
)
ADVANCE FINANCIAL FEDERAL CREDIT)
UNION,)

REPORT AND RECOMMENDATION

TO: THE HONORABLE THERESA L. SPRINGMANN, JUDGE
UNITED STATES DISTRICT COURT

This matter is before the Court to determine whether the proposed settlement agreement is fair, reasonable, and adequate. A hearing was scheduled for July 8, 2010. Counsel for the plaintiffs and the defendant appeared at the hearing.

On June 14, 2010, the plaintiffs filed a Memorandum in Support of Final Approval of the Parties' Class Action settlement agreement. Attached to the memorandum was proof of notice posted on a website (Exhibit A), proof of publication in the Post Tribune (Exhibit B), and proof of notice posted on the ATM at issue in this litigation (Exhibit C).

In the memorandum, the plaintiff's attorney represents that no objections have been raised to the proposed settlement. Additionally, no one appeared at the scheduled hearing to object to the proposed settlement.

For the foregoing reasons, IT IS RECOMMENDED that the proposed final order tendered with the memorandum be approved by the District Court.

Federal Rule of Civil Procedure 72(b)(2) provides:

Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. A party may respond to another parties objections within 14 days after being served with a copy. . . .

The failure to file a timely objection will preclude a party from challenging the final judgment on appeal.

ENTERED this 9th day of July, 2010

/s/ Andrew P. Rodovich

United States Magistrate Judge